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Harrington's Empire of Law

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Nearly every reader of James Harrington has taken his theory that property is the foundation of government to be his central and most enduring contribution to political thought. Operating within this standard reading, most of the extensive literature on Harrington has focused on derivative issues, such as the accuracy and depth of his economic reading of English history, or the extent to which his mechanistic account of political institutions displaced more traditional republican accounts of civic virtue. But the standard reading is incomplete. For example, it is puzzling on this reading why Harrington should single out Thomas Hobbes as his chief opponent. To demonstrate the incompleteness of the standard reading, this article will examine a relatively neglected aspect of *Oceana*: namely, the sharp contrast drawn throughout the work between those communities organized as an 'empire of laws' and those organized as an 'empire of men'. As it turns out, Harrington strikes upon a deep problem, not noticed by previous authors in the classical republican tradition, but nevertheless lying at the very conceptual core of republican theory. Examining this problem in detail is both interesting in its own right, in so far as it sheds light on some central issues in republican theory, and in the renewed historical appreciation it brings to our reading of Harrington as well.

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David Hume (1987 [1777], p. 33) observed that James Harrington 'made property the foundation of all government', and nearly every reader since has taken this to be his central and most enduring contribution to political thought. Property – and especially, property in land – Harrington writes, is 'held by the proprietor or proprietors, lord or lords of it, in some proportion', and 'as is the proportion or balance of dominion or property in land, such is the nature of the empire'. Thus, if 'one man be sole landlord of a territory, or overbalance the people, for example, three parts in four', then the natural form of government for that territory is a pure or 'absolute monarchy'; if instead 'the few or a nobility, or a nobility with the clergy, be landlords, or overbalance the people unto the like proportion', it is a limited or 'mixed monarchy'; finally, 'if the whole people be landlords, or hold the lands so divided among them, that no one man, or number of men' can 'overbalance them', then the territory is naturally suited to a 'commonwealth' government (Harrington, 1977 [1656], pp. 163–4). It is almost exclusively on the strength of this idea that Harrington is regarded as the 'most penetrating and influential' of the seventeenth-century English republicans (Worden, 1991, p. 444).[1]

On the standard reading, Harrington's *Commonwealth of Oceana* advances two main arguments, both built on his famous economic theory of politics.[2] The first is that social and economic conditions had developed by his time such that a commonwealth was the only feasible government for England: in breaking the power of the feudal nobility, the Tudor and Stuart rulers had inadvertently shifted the balance of property towards the people, thus ultimately incapacitating the country for monarchy. The second is that, once firmly established, a commonwealth could be made durable – indeed, immortal – through

appropriate institutional design. Specifically, the devices of indirect election, rotation in office and 'agrarian' laws designed to maintain dispersed property holdings could indefinitely prevent new concentrations of power from undermining the social and economic basis of the commonwealth. Operating within the parameters of this standard reading, the extensive literature on Harrington has focused on what are really derivative issues. Initially, the focus of this literature was on the accuracy and depth of his economic reading of English history; later, after the seminal contributions of J. G. A. Pocock, it was on Harrington's place in the classical republican tradition (as for example, the extent to which his mechanistic institutionalism displaced more traditional republican accounts of civic virtue).[3]

Although widely accepted, the standard reading is seriously incomplete. For example, it is puzzling on this reading why Harrington should single out Thomas Hobbes – whom he explicitly attacks nearly a dozen times in the first part of the 'Preliminaries' of *Oceana* alone – as his chief opponent. To begin with, Hobbes never claimed that a commonwealth was impossible in England; in fact, especially in the context of the so-called Engagement Controversy, he could easily be understood (and sometimes was understood, as we shall see) as supporting obedience to the de facto commonwealth government. Nor, for that matter, does anything in Hobbes' views fundamentally contradict the underlying economic theory of politics advanced by Harrington: the two could, without much difficulty, be presented as mutually supporting one another. Indeed, one astute contemporary reader noted that 'though Mr *Harrington* professes a great Enmity to Mr *Hobs*', he nevertheless 'holds a correspondence with him, and does silently swallow down such Notions as Mr *Hobs* hath chewed for him' (Wren, 1657, p. 41).[4] Thus it should not surprise us, perhaps, when some recent commentators suggest that the blistering anti-Hobbes rhetoric in *Oceana* is 'dishonest', and that in advancing what are essentially Hobbesian ideas under the 'loose sheepskin cover' of republicanism, Harrington effects 'a deliberate subversion of classical republicanism' (Scott, 1993, p. 158, p. 141, p. 146, respectively; compare Parkin, 2007, pp. 177–85; Rahe, 2008, ch. 11).

This last claim, in my view, cannot be correct. To demonstrate that it cannot, I will here examine a relatively neglected aspect of *Oceana* with the aim of substantially reorienting the standard reading, and thus resolving such puzzles to which, in its present form, it has given rise. Curiously, this neglected aspect of the text is no minor or trivial detail, but rather a theoretical distinction that Harrington himself regards as central to his aims: namely, the sharp contrast drawn between those communities organized as an 'empire of laws' and those organized as an 'empire of men' (Harrington, 1977 [1656], p. 161 and *passim*). Once the role of this distinction in Harrington's thinking is adequately understood, some otherwise curious and apparently jumbled aspects of his political ideas fall rather more neatly into place. As it turns out, Harrington strikes upon a deep problem, not noticed by previous republican authors, but nevertheless lying at the very core of republican theory – namely, the problem of understanding how a free republic is even conceptually possible. With respect to addressing this important problem, Hobbes is precisely Harrington's most relevant antagonist, for Hobbes challenged the republican ideal not merely on the pragmatic grounds of political instability, but also more seriously on the theoretical grounds of conceptual incoherence.

Remarkably, Harrington more or less successfully answers Hobbes' challenge, though without fully articulating the solution in *Oceana*. Only later, in response to his critics, did Harrington finally begin to work out the solution in more explicit detail: his answer, as we shall see, involves a new understanding of the nature of political community as resting on convention rather than personal rule. That his many readers have not fully appreciated this aspect of *Oceana* is, no doubt, partly the fault of Harrington himself: his baroque prose lacks either the articulate style of Milton or the analytical rigor of Hobbes.[5] Examining it in detail here is interesting both in its own right, in so far as it sheds light on some central issues in republican theory, and in the renewed historical appreciation it brings to our reading of Harrington as well.

Hobbes' Challenge

When Hobbes published his *Leviathan* in the spring of 1651, the broad outlines of his political doctrines were already familiar to many readers from his *De corpore politico*, which had appeared the previous year.[6] The latter was awarded an even broader audience when substantial extracts appeared in October of 1650, appended to the second edition of Marchamont Nedham's *Case of the Commonwealth of England, Stated*. Although certainly known to have royalist sympathies, Hobbes – together with Nedham, Anthony Ascham and some other parliamentary apologists – was generally understood to believe that whatever government actually holds power in a community has the de facto right to demand submission and obedience of the people, regardless of whether it happens to have a strictly legal title to rule or not. The commonwealth government, having defeated and executed Charles I, clearly held the balance of power in January 1650 when it demanded that all English men over the age of eighteen subscribe to an Engagement Oath of allegiance to the new regime. The de facto theorists, in this context, were read as encouraging the demanded submission.[7]

Hobbes did not retreat from his especially uncompromising brand of de facto-ism in *Leviathan*. Nonetheless, he was now at pains to make absolutely clear that he should not, on that account, be regarded as a republican. In a chapter titled 'Of the Liberty of Subjects' (which did not have a parallel in his earlier treatises), Hobbes levels a blistering attack on the classical republican tradition:

> In these western parts of the world, we are made to receive our opinions concerning the institution and rights of commonwealths, from Aristotle, Cicero, and other men, Greeks and Romans, that living under popular states, derived those rights ... out of the practice of their own commonwealths, which were popular ... [B]ecause the Athenians were taught ... that they were freemen, and all that lived under monarchy were slaves; therefore Aristotle puts it down in his *Politics* (*lib. 6. cap. 2.*) *In democracy*, LIBERTY *is to be supposed: for it is commonly held, that no man is* FREE *in any other government* (Hobbes, 1996 [1651], p. 143).

Precisely this cherished republican idea – that whatever else might be the advantages or disadvantages of the various forms of government, it was certain that liberty was greatest in republics – had recently been reiterated again by Nedham himself, who praised 'the invaluable jewel of liberty' secured after 'much blood and treasure' with the establishment of a commonwealth government in England (Nedham, 1969 [1650], p. 111). Other

contemporary republicans, such as John Hall, agreed in sharply contrasting 'the true Liberty, which is the very source of Vertue and Generosity', enjoyed only in republics, with 'the impotent Domination of a single Tyrant, who commonly Raign by no other means, than the discords of braver Citizens' (Hall, 1651, p. 19). Indeed, the very Act for the Abolishing the Kingly Office issued by the commonwealth government in 1649 asserted that it 'has been found by experience that the office of a king' is 'burdensome and dangerous to the liberty, safety and public interest of the people', and that only in 'being governed by its own Representatives' is it possible to provide for 'the lasting freedom and good of this Commonwealth' (Wootton, 1986, pp. 356–7). But according to Hobbes, this widely accepted contrast rests on an illusion. Properly understood, freedom is simply 'the absence of opposition' or a person's not being '*hindered to do what he has a will to*' (Hobbes, 1996 [1651], p. 139, emphasis in original), and in the case of political liberty specifically, it is merely 'the silence of the law' (Hobbes, 1996 [1651], p. 146). Since no government, monarchical or otherwise, legislates on every possible aspect of conduct, it follows that 'if we take liberty in the proper sense' it can be found just as easily – and indeed, may even be more extensive – under monarchical as under republican regimes, and thus 'it were very absurd for men to clamour as they do, for the liberty they so manifestly enjoy' (Hobbes, 1996 [1651], p. 141).

How then did the conflation of the terms 'commonwealth' or 'republic' and 'free state' become so widespread? Hobbes proposes the following explanation:

> The liberty, whereof there is so frequent, and honourable mention, in the histories, and philosophy of the ancient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the politics, is not the liberty of particular men; but the liberty of the commonwealth ... The Athenians, and Romans were free ... not that any particular men had the liberty to resist their own representative; but that their representative had the liberty to resist, or invade other people (Hobbes, 1996 [1651], pp. 142–3).

In other words, the freedom praised in the ancient authors is simply the freedom of their respective states to advance their collective interests in competition with other states – an inter-state analogue of the 'liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature' when not subject to a common overawing power (Hobbes, 1996 [1651], p. 86). Since the ancient authors often happened to live in republics the confusion arose that liberty can be enjoyed *only* in republics, which is simply not true. Driving the point home, Hobbes concludes:

> There is written on the turrets of the city of Lucca in great characters at this day, the word LIBERTAS; yet no man can thence infer, that a particular man has more liberty, or immunity from the service of the commonwealth there, than in Constantinople. Whether a commonwealth be monarchical, or popular, the freedom is still the same (Hobbes, 1996 [1651], p. 143).

Thus was the gauntlet thrown down.[8]

But apparently not many republicans understood or appreciated the intellectual force of the argument that lies behind Hobbes' opening salvo here. In his *Second Defense of the People of England* published a few years later, Milton continues to bask in 'the honourable achievements of his country', chief among them being 'liberty, restored alike to civil life, and to divine worship' through the establishment of a commonwealth in England (Milton, 1999 [1654], p. 316). Likewise, Nedham's *Excellency of a Free State*, which appeared in the same

year as *Oceana*, takes no notice of Hobbes, and blithely persists in arguing that 'liberty is the most precious jewel under the sun' and that it is 'an undeniable rule, *that the people*' – that is, the people constituted as a republic under representative institutions – '*are the best keepers of their own liberties*' (Nedham, 1767 [1656], p. xiv, p. 2, emphasis in original).

Only Harrington, it seems, recognized the depth of the challenge. At issue was less the correct meaning of the term 'liberty' than the very coherence of the republican political ideal itself. To be sure, the classical republicans understood political liberty rather differently than Hobbes – not as the mere absence of interference, but rather as a sort of independence from arbitrary rule. Roughly speaking, liberty is the sort of secure independence enjoyed by a person who, not being a slave, serf, bondsman or servant, does not have a master, and so is a 'free man'; or, analogously, the sort of independence enjoyed by a community that does not live under the rule of an autocratic king, tyrant, oligarchy or foreign empire, and so is a 'free people' (Pettit, 1997; Skinner, 1991; 1998). On the classical republican view, this sort of liberty could only be enjoyed in states combining some measure of direct or indirect popular government with the rule of law.[9] The classical republicans were particularly fond of citing Titus Livy in this context: the Romans became a free people, he had said, when, having expelled the Tarquins, annually elected magistrates replaced kings and the authority or 'empire' of law became stronger than that of men.[10] Governed by impersonal laws and not the caprice of particular individuals, the citizens of a republic stand and face one another as equals, no one the master of any other.

This was precisely the republican ideal that Harrington set out to defend.[11] Contrary to Hobbes, he maintains that 'the liberty of a commonwealth consisteth in the empire of her laws, the absence whereof would betray her unto the lusts of tyrants' (Harrington, 1977 [1656], p. 170). Responding directly to the passage in *Leviathan* cited above, he writes:

> The mountain hath brought forth, and we have a little equivocation! For to say that a Lucchese hath no more liberty or immunity *from* the laws of Lucca than a Turk hath from those of Constantinople, and to say that a Lucchese hath no more liberty or immunity *by* the laws of Lucca than a Turk hath by those of Constantinople, are pretty different speeches. The first may be said of all governments alike, the second scarce of any two; much less of these, seeing it is known that whereas the greatest bashaw is a tenant, as well of his head as of his estate, at the will of his lord, the meanest Lucchese that hath land is a freeholder of both, and not to be controlled but by the law (Harrington, 1977 [1656], pp. 170–1, emphasis added).

On the view of liberty favored by Hobbes, citizens are free to the extent that their rulers leave them alone, which might well be the same in both states. But on the traditional republican view, this is neither here nor there. What matters is that the subject of a despot enjoys his freedom *from* the laws merely at the whim of his master, whereas the free citizen of a republic *has no master* apart from the laws themselves – thus he is, in a sense, free *by* the laws. It is perhaps worth emphasizing here that the classical republican account of freedom, which Harrington merely reiterates, is a decidedly negative ideal: liberty consists in the absence of dependence on the arbitrary rule or domination of a master. It is not (as has often been thought) a participatory conception.[12] Also, it is a freedom enjoyed in the first instance by individuals, and only derivatively by collectivities: as Harrington himself emphasizes, republican laws aim 'to protect the liberty of every private man, which by that means comes

to be the liberty of the commonwealth', and not the other way around (Harrington, 1977 [1656], p. 171).[13]

Thus we see that Harrington, among other things, aimed to defend the traditional republican ideal of freedom against Hobbes' furious assault. It is one thing, however, to articulate this conception of liberty in an appealing manner, which is easy enough to do; it is quite another to show that the enjoyment of liberty, so understood, is theoretically possible. Republican liberty, understood as an independence from arbitrary rule or the absence of domination, depends on the possibility of a community governed by law, in which no-one is subject to the mastery of anyone else: hence the centrality of the distinction between an 'empire of laws' and an 'empire of men' to Harrington's aims. Turning to this distinction in the next section, we will find that the challenge presented by Hobbes is very serious indeed.

The Possibility of an Empire of Law

Hobbes regarded it a serious error to believe that 'in a well-ordered commonwealth, not men should govern, but the laws'. Laws, after all, are but words, always standing in need of coercive enforcement. 'What man, that has his natural sense', he asks, 'does not find himself governed by them he fears, and believes can kill or hurt him when he obeyeth not? Or that believes the law can hurt him; that is, words, and paper, without the hands and swords of men?' (Hobbes, 1996 [1651], p. 454) Taken literally, the notion of an empire of laws must be a naïve illusion. Behind the law is always the sword, and to ignore this fact is only to obfuscate the true lines of obedience, and thus set the stage for civil war. In asserting that whoever wields the sword – the king, say – is constrained by the laws in some particular respect, one is in truth merely asserting one's own authority – as against that of the king – to interpret and enforce the relevant legal constraint. This is precisely what parliament had claimed with respect to Charles I, and the confused notion that laws as such can govern made parliament's position rhetorically tenable. But this error, which 'setteth the laws above the sovereign, setteth also a judge above him, and a power to punish him; which is', Hobbes argues, only 'to make a new sovereign; and again for the same reason a third, to punish the second; and so continually without end, to the confusion, and dissolution of the commonwealth' (Hobbes, 1996 [1651], p. 215).[14]

It was with this problem in mind – the problem of showing that an empire of law is not merely an illusion, and thus that liberty in the republican sense not an impossibility – that Harrington framed the discussion in *Oceana*. The 'Model Commonwealth' he presents is supposed to illustrate not only the possible realization of an empire of laws, and hence republican liberty, but also the possible stability of this achievement once properly institutionalized. In developing this model, however, it became apparent that Hobbes was not his only enemy – only his most immediate and eloquent one. On the contrary, the source of the difficulty flows from a deeply held and powerful idea regarding the fundamental nature of political community. This is, roughly, the idea that any political system must ultimately resolve itself, at some level, into some form of direct personal rule. It is difficult to find the origins of this idea; perhaps it has some connection to the chaotic experience of the dark ages in Europe, since the idea does not seem to have been clearly formulated by the

ancients.[15] But whatever its origins, the idea had become widely and deeply embedded in Western political thinking by the end of the medieval period.

One finds a particularly striking expression of it in Dante's *Monarchy*, for example. Consider any two persons *A* and *B* with independent powers and rights over their respective jurisdictions. Now 'wherever there can be conflict there must be judgment to resolve it, otherwise there would be an imperfection without its proper corrective', he writes. This assertion is defended with reference to God's benevolence in the design of nature, but we might as easily say that in the absence of some judgment procedure as between *A* and *B*, there can only be a resort to arms, which is the end of political community. 'There is always the possibility of conflict between two rulers where one is not subject to the other's control', as is the case with *A* and *B*. Thus, 'since neither can judge the other ... there must [by assumption] be a third party of wider jurisdiction who rules over both of them by right'. Let us suppose that this third party is *C*. Next we must ask whether there exists some other person *D* holding powers and rights independent of *C*. Suppose there is: then *C* 'in his turn will have an equal who is outside the sphere of *his* jurisdiction, and then it will once again be necessary to have recourse to a third party' in any case of conflict between them. 'And so either this procedure will continue *ad infinitum*, which is not possible, or else we must come to a first and supreme judge, whose judgment resolves all disputes either directly or indirectly' (Dante, 1996, p. 14). Thus we see that any political system must ultimately resolve into direct personal rule – some person with the authority to issue commands, without having a reciprocal obligation to submit to the commands of any other person.

Although originally conceived as an argument for monarchy, it was gradually realized (perhaps in part through the experience of the Italian communes) that the 'first and supreme judge' need not be a natural person, but might also be a corporate agent, such as a council, or even the body of the people.[16] But notice that this does not detract from the main issue, for it still can be said that, from the point of view of any given individual *qua* subject of political authority, the corporate agent in question has the authority to issue commands without having any reciprocal obligation to obey. From here, it was only left to Jean Bodin and Hobbes to systematize the idea in the famous theory of sovereignty, and to draw out rigorously its various consequences – especially, that by its very nature, this omni-competent supreme political authority (whether a single person or a corporate agent) cannot be subject to effective limits or constraints within the political system, and thus that the notions of constitutionalism, limited or mixed government, or an empire of law, must simply be incoherent. The historical continuity in this way of thinking is strikingly illustrated by comparing Dante's argument with a passage from Hobbes' *De cive*:

> It is therefore manifest, that in every city there is some one man, or council, or court, who by right hath as great a power over each single citizen, as each man hath over himself considered out of that civil state; that is, supreme and absolute ... For if his power were limited, that limitation must necessarily proceed from some greater power. For he that prescribes limits, must have a greater power than he who is confined by them. Now that confining power is either without limit, or is again restrained by some other greater than itself; and so we shall at length arrive to a power which hath no other limit but that which is the *terminus ultimas* of the forces of all the citizens together. That same is called the supreme command (Hobbes, 1991 [1642], p. 187).

It follows, on this logic, that there can be no republic in the traditional sense of a community of free citizens, no one the master of any other, because there can be no escaping the fact that political order must ultimately resolve into direct, arbitrary personal rule.

In order to vindicate republicanism, Harrington was thus forced to reply not merely to Hobbes, but to an entire mode of thinking about the nature of political order, which he dubs 'modern prudence' – that mode according to which politics 'is an art whereby some man, or some few men, subject a city or a nation, and rule it according unto his or their private interest'. This he contrasts with the republican view, dubbed 'ancient prudence', according to which 'a civil society of men is instituted and preserved upon the foundation of common right or interest, or (to follow Aristotle and Livy) it is the empire of laws and not of men' (Harrington, 1977 [1656], p. 161).[17] The challenge is to show that – contrary to modern prudence – a republic, so conceived, is possible in theory and practice.

Harrington's Model Commonwealth

Harrington advances a two-part argument in the 'Preliminaries' of *Oceana*, corresponding to what he says are the two 'principles of government', namely, 'internal, or the goods of the mind, and external, or the goods of fortune' (Harrington, 1977 [1656], p. 163). As his discussion proceeds, it becomes apparent that he means by the former the formal configuration of the community's political institutions – roughly, its constitutional design; and by the latter, the socio-economic conditions of the underlying society – especially, the distribution of property in land.

Discussing the latter first, he proceeds to advance his famous economic theory of politics. On this theory, recall, the form of government naturally suited to any community follows from the distribution of property. If property is largely held by a single person, the government is naturally an absolute monarchy, as in the Ottoman Empire; if it is held by a narrow aristocracy, the government is naturally a mixed monarchy, as in England until recently; and if property is widely distributed, as it presently is in England, the natural form of government is a commonwealth. Why is this? Precisely as Hobbes observed, 'the law' without the 'sword is but paper', says Harrington. But the 'hand which holdeth this sword', he adds, 'is the militia of a nation'. Thus, whoever controls the material means for supporting the army must ultimately control the laws, and this of course is whoever holds 'the balance of property, without which the public sword is but a name or mere spitfrog' (Harrington, 1977 [1656], p. 165). So long as the form of government corresponds to the underlying distribution of property, we can expect it to be reasonably stable and the community free from political dissent. Whenever they diverge, however, the government must be maintained through 'the interposition of force'. Such regimes are unstable and, in the long run, unsupportable 'against the nature of the balance which ... destroyeth that which opposeth it'. Since, left to its own devices, the distribution of property in a community would continually shift, long-run political stability can be achieved only by artificially 'fixing the balance' through the instrument of 'agrarian' laws. Without the aid of such laws, 'government, whether monarchical, aristocratical or popular, hath no long lease' (Harrington, 1977 [1656], p. 164); with such laws, however, an English commonwealth might be rendered effectively immortal.

This is a remarkable and strikingly modern theory of political economics, fully justifying the extensive scholarly attention to its intellectual origins in Aristotle, Machiavelli and Francis Bacon (which need not be reviewed here).[18] Unfortunately, it is nothing to the purpose. The challenge, posed by Hobbes, is to show that an empire of laws and not of men is no mere illusion, and thus that it is possible to enjoy political liberty in the republican sense. But clearly, this has not been shown. If anything, the economic theory of politics would seem to reinforce the contrary view, supplying further grounds for the suspicion that no system of laws can genuinely be said to constrain the exercise of coercive political authority. Harrington has merely pushed the logic of *Leviathan* back a step – behind the law is the sword, and behind the sword (as a Marxist would say) is the economic base. The rest is mere ideology.

Let us then turn to the second part of the argument, concerning 'the principles of authority, which are internal and founded upon the goods of the mind' (Harrington, 1977 [1656], p. 169), by which Harrington means the formal design of political institutions.[19] Perhaps here we will find an answer to what he describes as 'the main question', namely, 'how a commonwealth comes to be an empire of laws and not of men' (Harrington, 1977 [1656], p. 171).

Alas, Harrington quickly entangles himself in an elaborate web of formal analogies. 'The soul of man', he writes, 'is the mistress of two potent rivals, the one reason, the other passion'. For a man to follow passion 'is vice and the bondage of sin', whereas to follow reason 'is virtue and the freedom of soul'. So far, so good: this sort of language was perfectly conventional within the philosophical tradition up to that time.[20] By analogy, Harrington says, for a community to follow reason 'must be virtue' for that nation, and since 'government is no other than the soul of a nation', apparently 'her virtue must be law', and 'the liberty of a commonwealth consisteth in the empire of her laws'. For a community not to follow reason, in contrast, 'would betray her unto the lusts of tyrants' (Harrington, 1977 [1656], pp. 169–70). The soundness of this analogy relies on two assumptions: first, that the virtue of government must take the form of laws; and second, that the liberty of a commonwealth is relevantly similar to the sort of moral freedom enjoyed by a man who follows reason rather than passion. Both are eminently contestable, but we may let that pass, and move on to the next stage of the discussion.

What is community or public reason in the relevant sense? Everything reasons according to its own interests, he believes. Thus 'there is private reason, which is the interest of a private man', and so too 'reason of state, which is the interest ... of the ruler of rulers', and finally, 'that reason which is the interest of mankind or of the whole'. If we further assume that the whole is necessarily superior to the part, 'then the reason of mankind must be right reason'. Of course, people do not habitually attend to the interest of mankind, but rather their own private interest. The trick, then, is to engineer political institutions such that people are encouraged to 'shake off that inclination which is more peculiar unto it, and take up that which regards the common good' (Harrington, 1977 [1656], pp. 171–2).[21] In other words, just as the private inclinations of individual citizens and the common good of the whole are to the community, so passions and reason are to the man. And just as a man is considered virtuous in so far as his reason governs his passions, so too a community is virtuous in so far as the common good governs private interests. By the earlier analogy, we

can then define a virtuous community as an empire of laws, and describe it as enjoying political liberty.

So far, we have only a set of formal analogies. Ignoring many obvious difficulties for the moment, let us next proceed to Harrington's substantive proposals concerning how we might ensure that the common good will in fact govern. Considering 'any number of men', he observes, 'about a third will be wiser, or at least less foolish, than all the rest'. How can we take advantage of the wisdom of this 'natural aristocracy', while avoiding the danger that they will merely advance their own private interests at the expense of the rest? For the 'wisdom of the few may be the light of mankind, but the interest of the few is not the profit of mankind, nor of a commonwealth' (Harrington, 1977 [1656], pp. 172–3).

The institutional solution he strikes on is a form of bicameralism, constituted by a senate on the one hand, and a popular assembly or council on the other. The former (unlike the House of Lords, say) would be selected 'not by hereditary right, nor in regard of the greatness of their estates', but rather 'by election for their excellent parts' (Harrington, 1977 [1656], p. 173). As had commonly been assumed since Aristotle, Harrington assumes here that free and fair elections are an aristocratic, not democratic, institutional device, in so far as they tend to favor the more prominent members of the community.[22] This senate would have the power to debate and propose laws only. The power of resolving – that is, of approving or rejecting the laws proposed by the senate – would reside exclusively in the popular assembly, which in its turn would not have the right of debate.[23] This assembly in principle ought to be 'the whole body of people', but since in modern communities such as England this 'is too unwieldy a body to be assembled', it too must necessarily be composed of representatives, specifically chosen however such that they 'can never contract any other interest than that of the whole people' (Harrington, 1977 [1656], p. 173). In other words, the electoral process for the assembly (unlike that of the senate) should be designed so far as possible to generate a body of representatives mirroring the population as a whole.[24]

In advocating bicameralism, Harrington departed not only from the conventional wisdom among republicans such as Henry Vane, Milton and others, who put their faith in a single representative body; but also from the actual practice of the English commonwealth, both under the Rump Parliament and, since 1653, under the Instrument of Government.[25] Nevertheless, it must be said that there are serious difficulties with the institutional scheme he has proposed. Chief among them, as Hume pointed out, is the fact that Harrington seriously underestimated the power of agenda control wielded by his envisioned senate (Hume, 1987 [1777], pp. 515–6). But this is not our main concern here. Let us suppose the proposal sound on its own terms – or, at any rate, that some like configuration of political institutions could produce the desired results. The question remains, has Harrington answered Hobbes' challenge? That challenge was not to discover a form of government in which laws and policies will reliably tend towards the common good (though certainly that is an interesting and important issue); it was rather to demonstrate how an empire of law and not of men is possible – how we can escape the reductionistic logic of the idea that politics must ultimately come down to the personal rule of man over man.

The model proposed answers the challenge only formally. If we consider the institutional framework Harrington has outlined, and imagine that everyone does indeed adhere to the

specified rules, we would have a very particular sort of political system: namely, one in which there is no single omni-competent political agent (whether a natural person, or a corporate actor). If we trace the various lines of authority, they do not ultimately resolve into some form of personal rule, but rather into an institutional framework – or, we might say, a set of shared constitutional practices. This would indeed constitute an empire of laws and not of men in the required sense. But what ensures that everyone will adhere to the institutional framework? This problem was clearly identified by Harrington's most perceptive critic, Matthew Wren. In his *Considerations on Mr Harrington's Commonwealth of Oceana*, he raises the following objection: suppose that two persons (representing here the senate and the popular council) 'had met by chance', and that that they were 'out of the influence of all such persons whose power might constrain them' to adhere to any particular institutional arrangement. Even admitting that their collective decisions will reliably tend towards the common good if they adopt something like Harrington's institutional scheme, there is no assurance that they will also thereby serve the private interest of each party considered separately. If the stronger of the two can do better by simply imposing his will on the weaker, 'we must still believe they would have strained courtesie' if he refrained from doing so (Wren, 1657, p. 23). The brute reality is that:

> Government flows from the encrease of strength and power in some Man or Men to whose Will the rest submit, that by their submission they may avoid such mischief as otherwise would be brought upon them; And then here also there is no room for dividing and choosing, but acquiescing in the Will of him whose power cannot be resisted (Wren, 1657, p. 24).

Thus the institutional scheme proposed by Harrington, and developed with such elaborate detail in the 'The Model' of *Oceana*, only shows that an empire of laws is formally possible. It does not, as such, answer the real challenge.

Constitution and Convention

That Harrington did not realize his argument was incomplete was perhaps due to the confusing web of analogies in which he embedded it. Having defined the common good as the upshot of public reason, a government following public reason as the equivalent of a virtuous soul, and a virtuous soul as constituting the freedom and law of a man, one might easily lose track of the substantive issue, and assume that in merely showing how the common good could reliably be produced we have thereby demonstrated how an empire of law, and thus the enjoyment of liberty in the republican sense, is possible. Our celebration, however, would be premature.

Remarkably, for all intents and purposes Harrington *did* solve the problem; more precisely, he laid out in *Oceana* all the materials necessary for arriving at the correct solution, without ever bringing them together explicitly. The necessary extra step involves appreciating how the two main parts of the argument – the economic theory of politics on the one hand, and the formal constitutional scheme on the other – complement one another. It was only later, in response to critics, that Harrington developed this aspect of his argument explicitly.

On his first pass at the difficulty in the *Prerogative of Popular Government*, Harrington attempts only a narrow response to the objection raised by Wren, which does not prove

fully successful. Wren asked, what compels each of the various political actors to adhere to the institutional scheme that, in a free republic, is supposed functionally to replace some form of personal rule at the heart of the political system? Since, on Harrington's model, there are two relevant parties, represented by the senate and the popular assembly, the question has two sides. On the one side, Wren asks, 'What security can Mr *Harrington* give us' that the senators 'shall not aim rather at their own advantage, and so make use of the eminence of their parts to circumvent' the popular assembly? And 'on the other side how shall we be satisfied the ... [popular assembly] will not soon begin to think themselves wise enough to consult too, and making use of their excess in power pull the ... [senators] off their Cushions'? (Wren, 1657, pp. 28–9) In answer to the first, Harrington notes that since 'the people in a commonwealth' are 'their own army', the senators will not have the power to circumvent the popular assembly. (Here we begin to see here how the underlying balance of property provides support to the institutional scheme – i.e. how the two parts of the argument in *Oceana* are supposed to fit together.) In answer to the second, he asserts that 'any experience public or private, any sense or reason' tells us 'that men, having the whole power in their own hands' will not 'deprive themselves of counsellors' (Harrington, 1977 [1657], p. 418). This, however, is hardly satisfactory. Perhaps it is true that no rulers, popular or otherwise, have ever dispensed with *advisers*. But they have often dispensed with *advice*, and issued commands as they pleased. A genuine empire of laws requires that the various institutional constraints actually be effective against those who ultimately have the power to rule.

Somewhat further on in the *Prerogative*, Harrington returns to the problem a second time, and finally begins to offer a satisfactory response to Wren's objection. To state the issue more generally, and thus fully appreciate the solution Harrington proposed, we might think of his proposed institutional scheme, using modern language, as a sort of coordinating convention. All political communities must have some fundamental rule of closure, according to which every possible dispute can be resolved short of a resort to arms.[26] The closure rule might be something like 'regard the decision of *X* as final', where *X* is either a natural person (a king) or a corporate actor (a supreme council, etc.). Hobbes and many others simply assumed that the closure rule *must* take this form. But why must this be? If we reflect on what would make a closure rule of this sort effective, it is surely the fact that at least some number of people in the community – the king's lieutenants, say – can be relied on to observe it, and that they have sufficient means to compel the rest. In other words, even the most absolute of monarchies rest at their core on convention, not brute coercive power.[27] Once we admit this, however, we must also admit that a community might in principle adopt any number of different coordinating conventions as its closure rule, including complex procedural ones such as Harrington's impersonal institutional scheme, for example. The only practical requirements are, first, that there be some set of persons who can be relied on to observe the convention – persons who, in modern language, have strong incentives not to defect from the coordination convention unilaterally; and second (if this set does not include the whole body of citizens) that they possess the necessary material means to compel the rest.

Harrington did not – indeed, could not – express the general solution in this language, of course. Rather, the discussion is presented in terms of what might render a government

'secure from sedition', that is, from attempts to ignore, circumvent or overturn the fundamental coordinating convention, which in a free commonwealth is supposed to take the form of an impersonal institutional scheme. The issue of sedition was first raised in *Oceana*, during a critical aside on Hobbes' assertion that republics tend to experience greater sedition than monarchies. There he observes that 'the perfection of government lieth upon such a libration [i.e. balance] in the frame of it, that no man or men ... can have the interest or, having the interest, can have the power to disturb it with sedition' (Harrington, 1977 [1656], p. 179).

Apparently not realizing the significance of the point for his overall aims, however, Harrington contents himself with observing the many possible sources of sedition in monarchies, and only briefly noting that these would not be present in a suitably constituted republic (Harrington, 1977 [1656], pp. 179–80). When he returns to the issue in the *Prerogative*, however, we find a considerably more detailed discussion. To begin with, Harrington observes, 'one man alone, whether he be rich or poor', cannot possibly 'disturb a commonwealth with sedition'; what matters is 'the puissance of the party he is able to make', and this 'goes upon the nature of the government, and the content or discontents thence deriving to the few or the many'. Possible discontents, in turn, 'derive from that which is, or by them is thought to be, some bar unto their interest' (Harrington, 1977 [1657], p. 424). The relevant issues are then, first, which parties specifically have sufficient means unilaterally to upset the fundamental coordinating convention; and second, whether any of them might have an interest in doing so. Conveniently, Harrington's political economy answers to both. This can be seen as follows.

With respect to the first, on the assumption that power ultimately flows from property, when property is concentrated in a few hands, those hands determine the coordinating convention of the community; but when the balance of property is widely dispersed, no minority faction will have sufficient power to upset the coordinating convention unilaterally, and so it is the interests of the body of the citizens as a whole that will be decisive. And what about the second requirement? According to Harrington, 'those interests which are the causes of sedition are three: the desire of liberty, the desire of power, and the desire of riches' (Harrington, 1977 [1657], p. 424). In a commonwealth organized as an empire of laws, none of the three principal motives will be present to any great extent.[28] With respect to liberty, 'the whole frame of an equal commonwealth is nothing else but such a method whereby the liberty of the people is secured' – that is, to have a community organized as an empire of laws is precisely to enjoy political liberty in the republican sense. With respect to power, it is 'estated in them' via the popular assembly. Finally, and most importantly, with respect to riches, the already broad distribution of property – particularly when this is known to be secured by agrarian laws – relieves any material incentives for political dissatisfaction:

> where the rich are so bounded by an agrarian that they cannot overbalance, and therefore neither oppress the people nor exclude their industry or merit from attaining to the like estate, power, or honour, the whole people have the whole riches of the nation already equally divided among them; for that the riches of a commonwealth should not go according unto the difference of men's industry, but be distributed by the poll [i.e. by head], were unequal.

To sum up, then, in a community combining a broad distribution of property with the rule of law, 'the people have the power, but can have no such interest' in sedition or political unrest, and 'the people having no such interest, no party can have any such power' (Harrington, 1977 [1657], pp. 424–5). The coordination convention represented by Harrington's institutional scheme will thus be robust, and a genuine empire of laws possible.

This discussion apparently satisfied Harrington. When, two years later, he set out to reiterate succinctly his main doctrines in the *Art of Lawgiving*, the argument is more or less taken for granted. He writes in the preface:

> [I]t may ... be indifferently said that all laws are made by men; but where the law is made by one man, there it may be unmade by one man, so that the man is not governed by the law, but the law by the man; which amounteth unto the government of the man, and not of the law; whereas, the law being not to be made but by the many, *no man is governed by another man*, but by that only which is the common interest, by which means this amounteth unto a government of laws, and not of men (Harrington, 1977 [1659], p. 603, emphasis added).

This is indeed roughly the desired solution, and the suggestion implied here is that it works because no one political actor is in a position unilaterally to upset the equilibrium. In the light of his previous discussions, the passage is perfectly sensible. But the argument is not given much further attention. This is unfortunate, because the *Art of Lawgiving* is in other respects his most accessible work, eschewing the maze of analogies in *Oceana*, and the tedious invective of replies to critics in the *Prerogative of Popular Government*. Had he given his solution to Hobbes' challenge a more prominent place in that work, it might have received the attention it deserved.

Conclusion

To complain that Harrington's model of an ideal commonwealth is, by modern standards, woefully undemocratic would of course be unfair, since neither he nor any of the republicans of his time advocated democracy. Nevertheless, as we have noted, there are many notable flaws in Harrington's model. The elaborate indirect electoral procedures are unlikely to generate the outcomes for which they are specifically designed. The significance of the senate's power to control the agenda is seriously underestimated. And so on. Thus it cannot be said that Harrington developed anything like a satisfactory account of ideal republican political institutions.

Nevertheless, he made a highly significant contribution to the republican tradition, resolving a deep conceptual difficulty that threatened to undermine the tradition's central ideal of political liberty as independence from arbitrary rule. In so far as the economic theory of politics does indeed figure into his resolution of that difficulty, the standard reading of Harrington captures some part of his overall accomplishment; but it also obscures our appreciation of his fundamental motivations, and their connection to core republican ideals. In demonstrating the possibility – which Hobbes and the whole of 'modern prudence' had flatly defined – of a community of equal citizens organized as a genuine empire of law, in which no-one is subject to the mastery of anyone else, Harrington showed that republican liberty is not merely desirable, but actually achievable.

This constituted a great theoretical advance, more than justifying his leading place among the English republicans.

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Notes

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1 Sabine (1950, p. 496) praises Harrington as 'a political thinker of quite unusual power and independence'; Zagorin (1954, p. 132) as 'the foremost of the republican theorists'; Scott (1993, p. 140) as English republicanism's 'most distinguished author'; Skinner (1998, p. 125) as the author of 'what is arguably the most original and influential of all the English treatises on free states'; and so on.

2 Examples of this standard reading can be found in Sabine (1950, pp. 496–508); Zagorin (1954, ch. 11); Blitzer (1960); Worden (1994a); Nelson (2004, ch. 3).

3 For the initial discussion, see Tawney (1941); Macpherson (1962, ch. 6); Pocock himself (1957, ch. 6; 1975, pp. 383–400; 1977, pp. 43–76). Contributions to the later discussion include: Burtt (1990, esp. pp. 29–32); Rahe (1992, part II, ch. 5; 2008, ch. 11); Scott (1993; 1994, esp. chs 6–7); Worden (1994a); Remer (1995); Cromartie (1998); Sullivan (1994; 2004, ch. 4).

4 To which Harrington (1977 [1657], p. 423) reiterated that he 'opposed the politics of Mr Hobbes', but that he also believed 'Mr Hobbes is, and will in future ages be accounted, the best writer at this day in the world'.

5 Although a few commentators have come close. Fukuda (1997) more or less describes Harrington's solution, but incorrectly presents it as the answer to a different problem – namely, the feasibility of mixed government. Burgess (1998) correctly articulates the main problem as being the conceptual possibility of an empire of laws, but without discovering Harrington's solution. Hampton (1994) discusses both the conceptual problem and its solution very nicely, but apparently without being aware of Harrington's contribution to either.

6 Some may also have encountered *De cive* in Latin, the second edition of which (published in 1647) was widely available in England, or seen an earlier version of the *De corpore politico* circulated in manuscript as the 'Elements of Law'.

7 For background on the ideological context of the Engagement Controversy, see Skinner (1966; 1972); Judson (1980).

8 For a detailed discussion of Hobbes' reply in *Leviathan* to the republicans, see Skinner (2008, esp. ch. 5).

9 Skinner has pointed out that it is inaccurate to describe this as the 'republican' conception of liberty, in so far as most writers of the period – from the Levellers such as Richard Overton and Edward Sexby, to later liberals such as John Locke – shared this view. However, the terminology has now become standard.

10 Harrington's gloss of Livy's expression *imperiaque legum potentiora quam hominum* (*Hist*. II.1) as an 'empire of law and not of men' is very loose. The English translation by Holland then in circulation rendered the passage somewhat more accurately as 'the authoritie and rule of laws, more powerfull and mightie than that of men' (Holland, 1600, p. 44), but it is unlikely that Harrington ever relied on this translation. Usually, he quotes Livy in the Latin, and on the few occasions where he provides an English rendering also (e.g. Harrington, 1977 [1656], p. 163), it does not follow Holland's translation.

11 I do not mean to suggest here that Harrington did not also have more immediate political aims as well – especially, that of critically responding to the establishment of a Protectorate in 1653 and advancing an alternative. For discussion of the more immediate context of *Oceana*, see Pocock (1977, pp. 15–42) or Worden (1994b).

12 Here of course I follow the view of the contemporary civic republicans such as Skinner and Pettit, as against that of the civic humanists Pocock, Rahe and others. For further discussion, see Lovett (2005).

13 The mistaken view that the classical republicans held a participatory conception of liberty has caused no small amount of mischief in the literature. A number of readers, on discovering in the texts that Harrington himself did not hold anything like the participatory view, have thus been led to conclude erroneously either that Harrington must not be a republican, or else that he must be attempting a major revision of the republican tradition. See, for example, Wettergreen (1988); Rahe (1992, part II, ch. 5; 2008, ch. 11); Scott (1993; 1994, chs 6–7); Sullivan (1994; 2004, ch. 4); Cromartie (1998).

14 For further discussion, see Hampton (1994); Burgess (1998). On the struggles of the parliamentary tract writers to extricate themselves from this conundrum, see Franklin (1978, esp. ch. 2).

15 The Athenians, for example, seem to have believed simultaneously that the demos assembled was an omni-competent political authority, and also that the *nomos* of Athens could be authoritative independently of the demos (see Ober, 1989, pp. 299–304).

16 Bartolus and Marsillius are often credited with this realization: for discussion, see Skinner (1978, esp. chs 1, 3) and Canning (1983).

17 Lacking an appropriate framing of the problem, some readers have misunderstood Harrington's terminology. Fukuda (1997, pp. 2–3), for example, mistakenly identifies ancient prudence with the idea of a mixed constitution, modern prudence with feudalism, and Hobbes with neither.

18 The best accounts are Pocock (1957, ch. 6; 1977); Blitzer (1960, ch. 6); Worden (1994a); Nelson (2004, ch. 3). Note that in supporting agrarian laws, Harrington departed from the mainstream republican tradition, which generally followed Cicero in vociferously opposing them. Milton and others subsequently attacked Harrington on this issue.
19 Blitzer (1960, pp. 111–3, pp. 135–47) mistakenly reads 'the principles of authority' as a normative account of political legitimacy; in my view, Harrington, unlike many of his contemporaries, had almost no interest in such questions.
20 Since the metaphorical trope contrasting the freedom of the soul with the bondage of sin was ubiquitous ever since St Paul's Letter to the Romans, it would be a mistake to read this passage as suggesting any real philosophical commitment on Harrington's part to a positive conception of moral liberty. In any case, it serves no more than an analogical function in his main argument.
21 'In the frame of such a government as can go upon no other than the public interest', Harrington later wrote, 'consisteth that whole philosophy ... which concerneth policy' (Harrington, 1977 [1657], p. 415).
22 For the history of this assumption, see Manin (1997, esp. pp. 67–70).
23 A third government branch, the 'magistracy', would have the power to carry out the laws and policies thus approved (Harrington, 1977 [1656], p. 174). Later it is indicated that magistrates would be appointed by the Senate.
24 As Blitzer (1960, p. 242) observes, however, the elaborate voting system envisioned by Harrington does little to assure us that this will in fact be the case. For a complete description of the many institutional details laid out in *Oceana*, see Blitzer (1960, ch. 5).
25 Harrington also departed from Vane, Milton and the Instrument of Government in wanting to extend the electorate to all male freeholders over the age of 30, rather than excluding Royalists and others who had refused to take the Oath of Engagement.
26 The language and analysis here somewhat follows Hampton (1994) and Burgess (1998).
27 Precisely this point, with respect to legal systems, was made by H. L. A. Hart (1961, esp. ch. 4): at the core of a legal system is not, as Hobbes and many others had assumed, sovereign will, but rather a coordinating convention Hart calls the 'rule of recognition'.
28 Harrington seemed to believe that when property is widely distributed, the community *must* be organized as an empire of laws (Harrington, 1977 [1659], pp. 602–3). It is not clear why this should be the case: a people might organize themselves as an unrestrained democracy, for example. At most, a wide distribution of property is a *necessary*, but not sufficient, condition of an empire of law.

References

Blitzer, C. (1960) *An Immortal Commonwealth: The Political Thought of James Harrington*. Newhaven CT: Yale University Press.

Burgess, G. (1998) 'Repacifying the Polity: The Responses of Hobbes and Harrington', in I. Gentles, J. Morrill and B. Worden (eds), *Soldiers, Writers, and Statesmen of the English Revolution*. Cambridge: Cambridge University Press, pp. 202–28.

Burtt, S. (1990) 'The Good Citizen's Psyche: On the Psychology of Civic Virtue', *Polity*, 23, 23–38.

Canning, J. P. (1983) 'Ideas of the State in the Thirteenth and Fourteenth-Century Commentators on the Roman Law', *Transactions of the Royal Historical Society*, 33, 1–27.

Cromartie, A. (1998) 'Harringtonian Virtue: Harrington, Machiavelli, and the Method of the *Moment*', *The Historical Journal*, 41 (4), 987–1009.

Dante (1996) *Monarchy*, trans. P. Shaw. Cambridge: Cambridge University Press.

Franklin, J. H. (1978) *John Locke and the Theory of Sovereignty*. Cambridge: Cambridge University Press.

Fukuda, A. (1997) *Sovereignty and the Sword: Harrington, Hobbes, and Mixed Government in the English Civil Wars*. Oxford: Clarendon Press.

Hall, J. (1651) *The Grounds and Reasons of Monarchy, Considered and Exemplified out of the Scottish History*. Edinburgh: Evan Tyler.

Hampton, J. (1994) 'Democracy and the Rule of Law', in I. Shapiro (ed.), *Nomos 36: The Rule of Law*. New York: University Press, pp. 13–44.

Harrington, J. (1977 [1656]) 'The Commonwealth of Oceana', in J. G. A. Pocock (ed.), *The Political Works of James Harrington*. Cambridge: Cambridge University Press, pp. 155–359.

Harrington, J. (1977 [1657]) 'The Prerogative of Popular Government', in J. G. A. Pocock (ed.), *The Political Works of James Harrington*. Cambridge: Cambridge University Press, pp. 389–566.

Harrington, J. (1977 [1659]) 'The Art of Lawgiving', in J. G. A. Pocock (ed.), *The Political Works of James Harrington*. Cambridge: Cambridge University Press, pp. 599–704.

Hart, H. L. A. (1961) *The Concept of Law*. Oxford: Clarendon Press.

Hobbes, T. (1991 [1642]) *Man and Citizen (De Homine and De Cive)*, ed. B. Gert. Indianapolis IN: Hackett Publishing.

Hobbes, T. (1996 [1651]) *Leviathan*, ed. J. C. A. Gaskin. Oxford: Oxford University Press.

Holland, P. (trans.) (1600) *The Romane Historie Written by T. Livius of Padua*. London: Adam Islip.

Hume, D. (1987 [1777]) *Essays, Moral, Political, and Literary*, ed. E. F. Miller. Indianapolis IN: Liberty Fund.

Judson, M. (1980) *From Tradition to Political Reality: A Study of the Ideas Set Forth in Support of the Commonwealth Government in England, 1649–1653*. Hamden CT: Archon Books.

Lovett, F. (2005) 'Milton's Case for a Free Commonwealth', *American Journal of Political Science*, 49, 466–78.

Macpherson, C. B. (1962) *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Clarendon Press.

Manin, B. (1997) *The Principles of Representative Government*. Cambridge: Cambridge University Press.

Milton, J. (1999 [1654]) 'Second Defense of the People of England', in *Areopagitica and Other Political Writings*, Foreword by J. Avis. Indianapolis IN: Liberty Fund, pp. 315–413.

Nedham, M. (1767 [1656]) *The Excellencie of a Free State*, in R. Baron (ed.), London: A. Millar and T. Cadell in the Strand.

Nedham, M. (1969 [1650]) *The Case of the Commonwealth of England, Stated*, ed. P. A. Knachel. Charlottesville VA: University Press of Virginia.

Nelson, E. (2004) *The Greek Tradition in Republican Thought*. Cambridge: Cambridge University Press.
Ober, J. (1989) *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. Princeton NJ: Princeton University Press.
Parkin, J. (2007) *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640–1700*. Cambridge: Cambridge University Press.
Pettit, P. (1997) *Republicanism: A Theory of Freedom and Government*. Oxford: Clarendon Press.
Pocock, J. G. A. (1957) *The Ancient Constitution and the Feudal Law*. Cambridge: Cambridge University Press.
Pocock, J. G. A. (1975) *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton NJ: Princeton University Press.
Pocock, J. G. A. (1977) 'Historical Introduction' to *The Political Works of James Harrington*. Cambridge: Cambridge University Press, pp. 1–152.
Rahe, P. A. (1992) *Republics Ancient and Modern: Classical Republicanism and the American Revolution*. Chapel Hill NC: University of North Carolina Press.
Rahe, P. A. (2008) *Against Throne and Altar: Machiavelli and Political Theory under the English Republic*. Cambridge: Cambridge University Press.
Remer, G. (1995) 'James Harrington's New Deliberative Rhetoric: Reflection of an Anticlassical Republican', *History of Political Thought*, 16, 532–57.
Sabine, G. H. (1950) *A History of Political Theory*. New York: Henry Hold and Company.
Scott, J. (1993) 'The Rapture of Motion: James Harrington's Republicanism', in E. M. Britain, N. Phillipson and Q. Skinner (eds), *Political Discourse*. Cambridge: Cambridge University Press, pp. 139–63.
Scott, J. (1994) *Commonwealth Principles: Republican Writing of the English Revolution*. Cambridge: Cambridge University Press.
Skinner, Q. (1966) 'The Ideological Context of Hobbes' Political Thought', *Historical Journal*, 9, 286–317.
Skinner, Q. (1972) 'Conquest and Consent: Thomas Hobbes and the Engagement Controversy', in G. E. Aylmer (ed.), *The Interregnum: The Quest for Settlement, 1649–1660*. London: Macmillan, pp. 79–98.
Skinner, Q. (1978) *The Foundations of Modern Political Thought, Vol. 1: The Renaissance*. Cambridge: Cambridge University Press.
Skinner, Q. (1991) 'The Paradoxes of Political Liberty', in D. Miller (ed.), *Liberty*. Oxford: Oxford University Press, pp. 183–205.
Skinner, Q. (1998) *Liberty before Liberalism*. Cambridge: Cambridge University Press.
Skinner, Q. (2008) *Hobbes and Republican Liberty*. Cambridge: Cambridge University Press.
Sullivan, V. B. (1994) 'The Civic Humanist Portrait of Machiavelli's English Successors', *History of Political Thought*, 15, 73–96.
Sullivan, V. B. (2004) *Machiavelli, Hobbes, and the Formation of a Liberal Republicanism in England*. Cambridge: Cambridge University Press.
Tawney, R. H. (1941) 'Harrington's Interpretation of His Age', *Proceedings of the British Academy, Vol. 27*. London: H. Milford.
Wettergreen, J. A. (1988) 'James Harrington's Liberal Republicanism', *Polity*, 20, 665–87.
Wootton, D. (ed.) (1986) *Divine Right and Democracy: An Anthology of Political Writings in Stuart England*. London: Penguin Books.
Worden, B. (1991) 'English Republicanism', in J. H. Burns (ed.), *The Cambridge History of Political Thought, 1450–1700*. Cambridge: Cambridge University Press, pp. 443–75.
Worden, B. (1994a) 'James Harrington and *The Commonwealth of Oceana*, 1656', in D. Wootton (ed.), *Republicanism, Liberty, and Commercial Society, 1649–1776*. Stanford CA: Stanford University Press, pp. 82–110.
Worden, B. (1994b)'Harrington's *Oceana*: Origins and Aftermath, 1651–1660', in D. Wootton (ed.), *Republicanism, Liberty, and Commercial Society, 1649–1776*. Stanford CA: Stanford University Press, pp. 111–38.
Wren, M. (1657) *Considerations on Mr Harrington's Commonwealth of Oceana: Restrained to the First Part of the Preliminaries*. London: Samuel Gillibrand.
Zagorin, P. (1954) *A History of Political Thought in the English Revolution*. London: Routledge and Paul.